

CITY COUNCIL, CITY OF LODI
COUNCIL CHAMBER, CITY HALL
OCTOBER 19, 1955

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock p.m. of Wednesday, October 19, 1955; Councilmen Fuller, Hughes, Mitchell, Richey and Robinson (Mayor) present; none absent. City Attorney Mullen and City Manager Weller also present.

Minutes of the previous meeting, October 5, 1955, were approved as written and mailed.

COMMUNICATIONS

RABIES CONTROL	Letter, dated October 13, 1955, from the District Health Officer stating that San Joaquin County has been declared a "rabies endemic area" in accordance with Section 1906 of the California Health and Safety Code, effective October 10, 1955. The co-operation of the pound authorities and peace officers was requested as provided in the Health and Safety Code. Mr. Weller stated that the matter had been referred to the Chief of Police for compliance.
NEWFIELD RESIGNATION FROM C.P.C.	Letter from Joe K. Newfield, Jr., submitting his resignation from the City Planning Commission due to the press of his business. His appointment to the Planning Commission was for a term ending June 30, 1958. Councilman Richey moved, Hughes second, that the resignation of Mr. Newfield be accepted with regrets and a letter of appreciation for his service be addressed to him. The motion passed by unanimous vote. Mayor Robinson stated that Mr. Newfield had been a very valuable member of the Planning Commission, although they did not always agree with each other.
MEETING OF S.J. COUNTY - CITIES	Letter from the City Manager of Tracy calling attention to the meeting October 27, 1955, of the legislative and administrative officers of the cities of San Joaquin County and the County of San Joaquin to be held in the City of Manteca.
JUVENILE OFFICERS MEETING	Letter from the Chief of Police inviting the City Council to a meeting of the Central Valley Juvenile Officers Association to be held in the Hotel Lodi, November 8, 1955, at 7:00 p.m.

PUBLIC HEARING

SCHNEIDER ZONING APPEAL	Mayor Robinson called for the public hearing in the matter of the appeal of Ted Schneider from the decision of the City Planning Commission in rejecting his request for the rezoning of the north ten acres of the Tokay Gardens Subdivision. The supplemental report of the majority voting to reject the zoning request was read by the City Clerk; no minority report was received. Mr. Victor Goehring, attorney for Mr. Schneider, presented the appeal, stating that the proposed shopping center would have a minimum adverse effect on adjacent residential properties; that the site will lend itself for a planned commercial development on a large scale; that it will increase City tax revenue; that public opinion favors the proposed shopping center; that failure to rezone the area as requested would result in hardship and injustice to the petitioner; that the action of the Planning Commission
-------------------------------	---

in rejecting the requested rezoning is inconsistent and arbitrary with their decision to approve commercial rezoning of other property within the City; and that the disapproval of this appeal would be unfair, arbitrary, oppressive and illegal. Councilman Fuller asked if the proposed project was to be a neighborhood shopping center or a district shopping center. Mr. Goehring replied that it would serve as both types and that it would accommodate forty tenants. Councilman Hughes asked what was meant by the statement that it would be illegal to refuse the rezoning request. Mr. Goehring stated that he was referring to the fact that it would be the wrong use of the police powers. Mayor Robinson asked if Mr. Schneider had definite commitments for leases of this proposed development. Mr. Schneider replied that it is difficult to get a business-man to commit himself as long as the property is zone R-1. The Mayor replied it looked as though the City Council was being asked to commit itself without definite information. Mr. Dave Kraft stated he lived across the street from the proposed development and objected to the commercial development across the street from his residence. Mr. H. E. Looser addressed the Council to state that it would flatten the downtown business district if the City Council continued to grant commercial zoning in residential areas. He pointed out that the City was in danger of losing more tax revenue in the downtown area than it could gain in the proposed development. Mr. Robert H. Rinn stated that the question must be brought back to fundamentals and a decision reached that will be good for everybody in the City of Lodi. He stated that the proposed development could cause blight in the downtown area and also in the proposed development. This would be expensive for everyone in the City. Mr. Meyer Zelter, Mr. Ed Barbera and Mr. Wallace Emery also opposed the rezoning in statements to the Council. Mr. Carl Wishek urged consideration be given to the development of the Schneider property as a Civic Center. Mr. C. R. Van Buskirk, Mrs. Ed Hepper, and Mr. James H. Welch spoke in support of the appeal. Councilman Fuller then moved, Hughes second, that the decision of the City Planning Commission in denying the request for the rezoning of the north ten acres of Tokay Gardens Subdivision be sustained. Councilman Fuller then stated that he believed the Planning Commission should be sustained for the following reasons: No hardship will be experienced because Mr. Schneider originally planned the area in question for residential lots; the property is too close to the downtown area and too large for a neighborhood shopping area; the City is presently overzoned for commercial use; the development could blight established areas and upset the City's tax base; the population and purchasing power of the Lodi district does not warrant a shopping center of this size; and he feels that the rights of the individual do not take priority over the rights of the masses. Councilman Hughes stated that he too felt the population of the area did not warrant a shopping center of this size, and he did not believe it necessary to place a filling station and drive-in across the street from residential property. Councilman

APPEAL
DENIED

Mitchell stated he favored the granting of the rezoning request because he felt it was close enough to the downtown area that it would not cause hardship and because he feared that if the development is not permitted inside the City, someone will build one outside the City. Councilman Richey stated that she agreed with the statements of Councilmen Fuller and Hughes. Councilman Robinson stated that he agreed with Councilman Mitchell except that he did not believe the Council had been shown the need or the ability to build the shopping center as proposed. The motion was then adopted by the following vote:

AYES: Councilmen - Fuller, Hughes, Richey
and Robinson

NOES: Councilmen - Mitchell

ABSENT: Councilmen - None

ORD. NO. 542
INTRODUCED

REZONING
W. LODI AVE.

Mayor Robinson then called for the public hearing on the question of rezoning from R-3 and R-4 to C-1 of that property lying between Hutchins and Crescent streets and between Lodi Avenue and Tokay Gardens Subdivision which is not presently zoned C-1. No protests being offered, Councilman Fuller moved, Richey second, the introduction of Ordinance No. 542, approving the rezoning of subject property from R-3 and R-4 to C-1. The motion passed by unanimous vote.

REZONING
NW CORNER
HAM LANE &
LOCKEFORD ST.

Mayor Robinson then called for the public hearing on the request for the rezoning from R-1 to C-1 of the 3.75 acre parcel at the northwest corner of Ham Lane and Lockeford Street. Mr. Robert Mertz, attorney for the petitioners, explained to the City Council that the development planned for this corner would definitely be a neighborhood shopping center with approximately 32,000 square feet of commercial floor space and 120,000 square feet of parking area. He stated that the area would develop almost immediately, and the developers would agree to construct the necessary screening from the residential areas and establish a sufficient set-back of commercial structures to meet those of the residential areas. Mr. Charles Boynton objected to the development of four corners at this intersection, pointing out that the southwest corner has received approval for a grocery store, and requests are presently before the Planning Commission for the rezoning of the remaining corners for the installation of gasoline service stations. City Attorney Mullen recommended that a letter be secured from the developers agreeing to provide the required set-back and screening, and agreeing that if construction of the development is not commenced and diligently pursued by a definite time limit, the Council will again rezone to the residential classification. Councilman Hughes then moved, Richey second, that Ordinance No. 543, approving the rezoning of the above property from R-1 to C-1, be introduced with the understanding that it will not be adopted until such time as the Council receives a letter from the petitioners agreeing to observe sufficient set-back of buildings to provide adequate screening from the residential property, and to commence construction of the shopping center within a year after the effective date of the ordinance. The motion carried by unanimous vote.

ORD. NO. 543
INTRODUCED

REPORTS OF THE CITY MANAGER

STREET
CONSTRUCTION
HAM LANE

The City Manager presented a letter from the City Engineer reporting the deviations which were made from the plans approved for the reconstruction of Ham Lane. The deviations include: Installation of all curb and gutter on the west side of the street south of Lockeford Street and all curb and gutter on the east side with the exception of that property just south of Lockeford Street belonging to Mrs. Fugazi (in this same area the street was narrowed to avoid the removal of an oak tree and a hedge), the acquisition of an additional five feet of width on the west side of the street between Lockeford and Elm Streets, and paving only to the pole line on the west side of the street north of Lockeford Street because the P. G. & E. was unable to remove the poles in time. The Council approved the deviations with the agreement that the hedge and fence abutting the Fugazi property just south of Lockeford Street will be removed, leaving the oak tree, and paving the street up to the tree.

AWARD
WOOD CHIPPER

RES. #1886
ADOPTED

The City Manager reported that one bid had been received from Wood Control Service, Inc., in the amount of \$3,680.94 for the purchase of a wood chipper. He recommended the award be made to Wood Control Service, Inc. On the motion of Councilman Richey, Mitchell second, the Council voted unanimously to adopt Resolution No. 1886, awarding the chipper contract to the Wood Control Service, Inc.

ANNUAL
AUDIT AWARD

Mr. Weller reported that three bids had been received for the performance of the annual audit. All three bids were for the identical over-all amount of \$900.00. Two of the bidders, Mr. Johnson and Mr. McEnerney, have audited the City's records within the past three years. On the motion of Councilman Richey, Mitchell second, the Council voted to award the contract to Mr. McEnerney.

POWER CONTRACT
WITH P.G. & E.

The City Manager presented the agreement negotiated with the Pacific Gas and Electric Company for furnishing the City's electric power for seven years beginning August 27, 1955. He explained that it was agreed about August 1, 1955, that the new contract would take effect with the termination of the old contract on August 27, 1955. Mr. Weller stated that he was not entirely satisfied with the contract, but he believed it to be the best that could be worked out at this time. He then recommended that it be approved by the City Council under the conditions stipulated by the Pacific Gas and Electric Company, to wit: The contract will only be acceptable to the Company in the event that each of the ten cities taking part in the negotiations agrees to and executes the proposed contract by November 15, 1955. Councilman Mitchell then moved, Fuller second, the adoption of Resolution No. 1887, "Authorizing the Mayor and City Manager to Execute Agreement with Pacific Gas and Electric Company for the Purchase of Electricity", with the understanding that this is an authorization but not a directive, since the acceptance of the contract by P. G. & E. is subject to conditions which have yet to occur. The motion passed by unanimous vote.

RES. #1887
ADOPTED

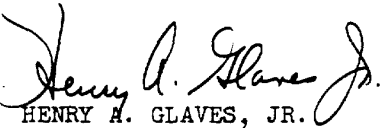
Mayor Robinson then expressed the appreciation of the City Council to Mr. Weller for the efforts he had expended in negotiating the contract, not only for Lodi, but for the other cities as well.

CLAIMS

Claims in the amount of \$73,537.61 were approved on the motion of Councilman Richey, Mitchell second.

The meeting was adjourned at 11:40 p.m. on the order of the Mayor.

ATTEST:


HENRY A. GLAVES, JR.
City Clerk